

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
 v.) *MT*
) MISCELLANEOUS-BUSINESS NO. *10002*
) 04-10002 *LPC*
 RICHARD VIKTOR RICHARDSON)
 BALLESTER,)
)
 Defendant.)

ASSENTED-TO MOTION TO CONTINUE
PROBABLE CAUSE AND DETENTION HEARING TO MARCH 31, 2004

Now comes the United States of America, by and through the undersigned counsel, and moves this Honorable Court (*nunc pro tunc*) to continue the detention hearing in the above-entitled matter from 3:00 p.m. on Tuesday, March 23, 2004 to 2:00 p.m. on Wednesday, March 31, 2004. In support of its motion, the government sets forth the following:

1. Defendant Richard Viktor Richardson Ballester ("Ballester") was arrested at Logan International Airport on the late night of March 17 or in the very early morning hours of March 18, 2004.

2. On March 18, 2004, this Court found probable cause to issue a Complaint against Ballester for conspiracy to smuggle cocaine and heroin into the United States. Ballester had his initial appearance before the Court on March 18, 2004 and his probable cause and detention hearing was scheduled for March 23, 2004 at 3:00 p.m.

3. Patrick M. Hamilton is the Assistant U.S. Attorney ("AUSA

Hamilton") responsible for handling Ballester's prosecution. No other prosecutor in the U.S. Attorney's Office is familiar with the case.

4. On the afternoon of Monday, March 22, 2004, AUSA Hamilton had to leave the office to care for his wife and two small children, all three of whom had fallen ill. AUSA Hamilton remained out of the office caring for members of his family through Wednesday, March 24, returning to work for the first time on the morning of Thursday, March 25.

5. While he was out on sick leave, AUSA Hamilton contacted Ballester's assigned counsel, Attorney Catherine Byrne of the Federal Defender's Office ("Attorney Byrne"), who assented to a continuance of the probable cause and detention hearing, subject to the Court's approval, and discussed possible dates for a continued hearing. AUSA Hamilton then conferred with the Court's courtroom clerk and learned that the Court could continue the hearing to Wednesday, March 31 at 2:00 p.m..

6. Ballester, through his counsel, has consented to the requested continuance and will not be prejudiced by that continuance.

For all the foregoing reasons, the government respectfully requests that this Honorable Court grant its motion and continue (*nunc pro tunc*) the probable cause and detention hearing from 3:00

p.m. on March 23, 2004 to 2:00 p.m. on March 31, 2004.

Respectfully submitted,

ASSENTED-TO

RICHARD VIKTOR RICHARDSON BALLESTER

By His Attorney

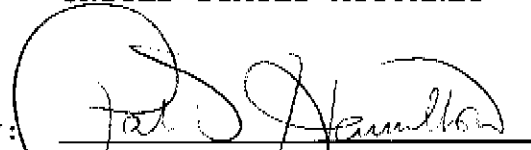


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